

Applicant(s): Olivier Gueume, et al.
Serial No.: 10/028,099
Filed: December 21, 2001
For: METHOD FOR OPTIMIZATION OF TEMPORAL PERFORMANCES WITH RAPID CONVERGENCE
Art Unit: 2825
Examiner: Thompson, Annette M.

US010157

REMARKS/ARGUMENTS

Claims 1 through 17 are pending in the present application.

The Action (1) found claims 1 to 7 and 14 to 17 allowable, (2) rejected claims 8 to 11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,478,990 to Montanari et al. (hereinafter "the Montanari reference"), (3) rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over the Montanari reference in view of U.S. Patent No. 5,821,512 to O'Hagan et al. (hereinafter "the O'Hagan reference"), and (4) objected to claim 13 as being dependent upon a rejected base claim.

Regarding item (1) identified above, applicants wish to express their appreciation for the Examiners finding of allowable subject matter with respect to claims 1 to 7 and claims 14 to 17.

Regarding item (2) identified above, it is respectfully submitted that present claim 8 is patentable over the Montanari reference.

The Montanari reference, as suggested by the Action (in its broadest interpretation), teaches a "tag TN identifying a particular food product at a certain point in the production process" (abst., col. 3, lines 1-3). The Action suggests that the foregoing is equivalent to the step of "attaching a machine readable label (MRL) having a unique code to an article". The Montanari reference further teaches a "tracking number is maintained as the animal is transferred from raiser, distributor, and consumer" (col. 3, lines 40-43) and

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"[t]he labels produced during the process are periodically scanned in different stages of the process to add additional information thereto..." (emphasis added) (col. 3, lines 49-54). The Action contends that these steps are equivalent to the steps of, at a first location, "storing a correlation between descriptive information about said article and said unique code in a data store; and at one or more second locations, reading said unique code to obtain at least a portion of said descriptive information using said correlation in said data store." (emphasis added).

It is respectfully submitted that, upon a close reading of the foregoing excerpts, and more particularly the emphasized portions thereof, the method/process taught by the Montanari reference does in fact differ from that of claim 8. Please note that scanning or reading to *add* information is not the same as reading or scanning to *obtain* information. Therefore, it is respectfully submitted that, even with the Montanari reference being given its broadest interpretation, the cited reference fails to disclose or suggest the method of claim 8. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claim 8, are respectfully requested.

Claims 9 to 11, which depend either directly or indirectly from claim 8, it is respectfully submitted that each of these claims is patentable at least for the reasons discussed above with respect to claim 8. Thus, reconsideration and withdrawal of the rejection, and allowance of claims 9 to 11, are respectfully requested.

Regarding item (3) identified above, it is respectfully submitted that claim 12, which depends directly from claim 8, is patentable over the cited combination at least for the reasons

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discussed above with respect to claim 8. That is, although the O'Hagan reference is cited by the Action for purportedly teaching "the correlation in the data store is automatically deleted responsively to one or more predetermined events (see fig. 6, step 318; col. 11, lines 4-34)." (See page 3 of the Action), the cited reference, like the Montanari reference, fails to disclose or suggest "reading said unique code to obtain...descriptive information". Accordingly, reconsideration and withdrawal of the rejection, and allowance of claim 12, are respectfully requested.

Regarding item (4) identified above, it is respectfully submitted that the stated objection of claim 13, which depends from claim 12, is effectively traversed at least for the foregoing reasons discussed with respect to claim 12. Accordingly, reconsideration and withdrawal of the objection of claim 13, and allowance thereof, are respectfully requested.

In sum, it is respectfully submitted that the present claims are patentable over each of the cited references and/or any proper combination thereof. Hence, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all objections, and all rejections of the claims, are respectfully requested.

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